PRESERVED

V

App. F. IX-4

193 7.
(Cl 7)

File No. 159-37

Previous References

Serial Nos. 1-3

Letter References

CB 3.38-6.
Ch. 91-40 (3-4)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 3

Part B for April 1938

SUBJECT.

Reduction of the number of First-class Magistrates Courts in the Bangalore Dn.

Sl. 3

To the compiler

Memo-5100 dy 11.5.38

WD 0285—GPB—22,500—18-8-37

Issues a notification converting the Second Magistr's court, Bangalore from 1st-class Magistr's court to Second class and Consequential changes from 2-4-38

Circular 23/5/38

1605

(1

General and Revenue Secretariat | C5 File No. 8 of 1937 | [App. F. III—2

Serial No. 22.

From

The Registrar High Court

Rec No 293/37-38 dt 9.9.37.

Forwards extract from the notes of inspection dt 26.6.1937 of the Court of the Dist and Sessions Judge Bangalore made by Mr. Justice Chain.

Submitted for perusal

CSR 13/9 ... /sr- member/

2) hsj 13.9

3) Vide remarks on the last para. Is it possible to reduce the no of 1st class magts ?

hsj 13/9

MS 14/9

hsj 14.9

~~Sent with a draft~~

4) Sent with a draft

CSR 30/9

5) ersnc 1d 30.9

MSK 30/9/37

OFFICE OF THE FIRST MEMBER OF COUNCIL
SEP 13 1937
No. 1134

File 100-36- taken back CSR 9/15

TYPING 30 SEP 1937 REV. SECTT

NOTE—Contn. Sheet.

WJ 0284—GPB—30,000—13-8-37

hrs A 27/10

Sent Govt No P 1909 dt 7.10.37

Reduction in the number of First Class Magistrate's Courts in Bangalore Division 1654 (2)

Cts File No. 8 of 193 7 | General and Revenue Secretariat

From
The Registrar High Court
Roc No 398 dt 7.2.38
States that Of the First class Magistrate's Courts in the Bangalore Division, the only one which can be converted from a First class Magistrate's Court to a Second class Magistrate's Court at present is the Court Of the Second Magistrate Of Bangalore and recommends that the above Change may be given effect to from 1-4-1938.

Submitted With reference to First Member's Minute in para 3 Of the notes on the previous page:- 1) What is the present jurisdiction of the 2nd magistrate Bangalore?

CPM 14/2

16.2

2) The Second Magistrate Bangalore is by Virtue of his Office, a First Class Magistrate. He has however jurisdiction over the 2nd and 3rd Class Cases arising in the Talukes Of Bangalore, Hoskote and Anekal. He has also been empowered to try Cases under Chapter XII Of Cr. p.c. arising in the Bangalore Taluk.

Secretariat CPM 16/2

Reduction in the number of First Class Magistrates' Courts in the Bangalore Division. 4654 (3

General and Revenue Secretariat | C/s File No. 8 of 1937. | [App. F. III—2

Reference para 3 (b) - members minute

Serial No.

(9) The II Magistrate Court in Bangalore may be converted into a II class Magistrate Court from 1.4.1938 as stated by the High Court to reduce the number of Criminal appeals before the Sessions Judge Bangalore

Chief Secy

hg

(10) The proposal of the High Court 1/2 may be appd.

1st member)

MRS 17.2.38

hg 17.2

(11) JM 18/2 MRS 18/2

hg 18.2

Recd 18/2

(12) Submitted with a draft

CJM 28/2

(13) put up a copy notification

hg 23.2

It was ordered that previous references relating to reduction of Notifications appointments may be looked into

CJM 24/2

Submitted No reference could be traced

CJM 8/3

(14) Submitted with a draft of a Notn

CJM 5/3

(15) for approval.

Chief Secy

appd. hg 2/3

MRS 2.3.38

issued hg 7.3

NOTE—Contd. Sheet.

574

WD 0284—GPB—30,000—13-9-37

Issued No 5100 dt 11.3.38

1605 837

HIGH COURT OF MYSORE,

Roc 293
37-38

Bangalore, Dated 9th Sept 1937

From T. Shamiengar
~~A. SUNDARARAJARAO~~, Esq., B. A., B. L.,
Registrar, High Court of Mysore.

To

B. T. Keshavatyengar Esq B. A.,
Chief Secretary to the Government of His Highness the Maharaja of Mysore.
Bangalore

Sir,

I am directed to forward herewith, for the information of Government, ~~a copy of~~ extract from the notes of inspection dated the 26th June 1937 of the court of the Districts & Sessions Judge, Bangalore made by Mr. Justice C. Abdul Ghani ~~together with a copy of the proceedings of the High Court~~ and to state that necessary steps are being taken in regard to the irregularities noticed.

I have the honour to be,
Sir,
Your most obedient servant,

T. Shamiengar
Registrar.

(5

Extract from the Notes of Inspection of the Court of the District & Sessions Judge, Bangalore, by Mr. Justice C. Abdul Ghani, on 26th June 1937.

This Court was last inspected by the Chief Justice on 13th June 1936.

Mr. T. Singaravelu Mudaliar was presiding over this Court from 7-6-1936 to 2-11-1936.

Mr. S. Venkata Ranga Iyengar assumed charge on 2-11-1936 and continues to preside.

Pendency & Disposal.-

At the time of the last inspection by the High Court on 6-6-36, there were pending 33 Original suits, 308 Miscellaneous and 115 Execution cases and since then 39 Original, (including 1 refiled and 5 received by transfer), 236 Miscellaneous and 108 Execution cases were filed making a total of 72 Original, 544 Miscellaneous and 223 Execution cases for disposal. Of these, 35 Regular (6 contested, 8 uncontested, and 21 transferred to other Courts), 346 Miscellaneous (70 contested, 115 uncontested and 161 transferred to 2nd Additional Sub Court, Bangalore, and Additional District Court, Bangalore) were disposed of during the period covered by the present inspection, and 37 Original, 198 Miscellaneous and 139 Execution cases are now left pending. The slight increase in the pendency of Original suits viz. 37 as against 33 may be said to be partly due to the increase in the number of institutions for the year 1936-37 (34 up to 24-6-37) as compared with those of the previous years, viz. 22 in 33-34, 24 in 34-35, and 25 in 35-36. Regarding the Miscellaneous cases, pendency is appreciably

reduced on account of the fact that 142 Mis.cases (Land Acquisition Cases) having been transferred to the 2nd Additional Sub Court, Bangalore.

The following is the comparative table showing the disposal of Original, Miscellaneous and Execution cases by the two Judges who presided over this Court during the period covered by the present inspection.

	By Mr. T.Singaravelu Mudaliar.			By Mr. S.Venkataranga Iyengar.		
	Contested.	Uncontested.	Total.	Contested.	Uncontested.	Total.
O.S.	3	4	7	3	4	7
Mis.	42	53	95	28	62	90
Ex.	-	40	40	-	42	42

Of these 37 Original suits now pending, 1 suit of 31-32 (i.e. the oldest one) and the other (connected) suit of 33-34 (the next oldest) are both closed in which arguments are being heard from day to day.

CIVIL APPEALS.

At the time of ~~kxt~~ last inspection, there were pending 466 Regular and 117 Mis.Appeals and since then 379 Regular and 139 Mis.Appeals were filed, making a total of 845 Regular and 256 Mis.Appeals for disposal. Of these 519 Regular (6 contested, 24 uncontested and 489 transferred) and 133 Mis.Appeals (6 contested, 15 uncontested and 112 transferred) were disposed of and 326 Regular and 123 Mis.Appeals are now left pending. Thus, the actual disposal of Regular and Mis.Appeals during the period covered by the present

inspection, excluding those transferred to other Courts is 30 Regular (6 contested and 24 uncontested) and 21 Mis.Appeals, (6 contested and 15 uncontested).

Of the 30 Regular and 21 Mis.Appeals disposed of, 15 Regular (3 contested and 12 uncontested) and 10 Mis.(1 contested and 9 uncontested) Appeals were by Mr. T. Singaravelu Mudaliar and the rest were by Mr. S. Venkata Ranga Iyengar.

Witnesses.-

Out of 88 witnesses present 76 were examined by Mr. T. Singaravelu Mudaliar and out of 72 witnesses that appeared before him, Mr. S. Venkata Ranga Iyengar examined 63.

CRIMINAL WORK.

Sessions.-

At the time of last inspection there were pending 17 sessions cases including 2 Kolar sessions cases, and since then 100 sessions cases were filed making a total of 117 cases for disposal. Of these, 59 sessions cases (pertaining to Bangalore and Tumkur Districts) were disposed of in this Court and the rest ~~a~~ 49 cases were transferred to other Courts for disposal. (40 cases of Kolar District and 1 case of Bangalore District were tried by the Additional Sessions Judge and the remaining 8 by the Assistant Sessions Judge, Bangalore).

Of the 59 sessions cases disposed of, 32 were by Mr. T. Singaravelu Mudaliar and 27 by Mr. S. Venkata Ranga Iyengar.

Criminal Appeals.-

There were pending 131 Criminal appeals at the ~~t~~

of last inspection. Subsequently 376 were filed making a total of 507 appeals for disposal. Of these, 413 were disposed of in this Court (143 by Mr. T. Singaravelu Mudaliar and 270 by Mr. S. Venkata Ranga Iyengar) and 60 were transferred to other Courts leaving a pendency of 34 appeals at the time of present inspection. (Oldest being 1 of 36-37 filed on 1-12-36 which is reserved for judgment to 26-6-37)

Adjournments.-

Adjournments are granted on sufficient and proper grounds.

Judgments.- Judgments and Orders are delivered promptly.

Witnesses.-

During the period covered by the present inspection 836 witnesses were examined out of 876 present.

GENERAL REMARKS.-

The criminal work of this Court is so heavy that the Judge finds it difficult to spare reasonable time for his civil work. He is, however, doing his best and in respect of old suits, except part-heard ones, it is desirable that he gets them transferred to the Additional Court, whenever necessary. He may adopt the same course in respect of old criminal and civil appeals(when the term of the Additional Sub-Court established to hear appeals expires).

It is found that a number of cases, where mere formal orders - such as issue of fresh summons or notices and the like - are to be passed, are being held up for long periods, owing to the absence of the Judge from Headquarters owing to Sessions. It will

be very convenient if the Sessions Judge And Additional Sessions Judge so arrange their ~~itinery~~ itinerary as to permit one of them remaining in Headquarters. The Judge in Headquarters may, - after obtaining permission if necessary - attend to the first hearing cases of both Courts before beginning the ~~xhs~~ other work of his own Court. This will considerably curtail the average duration in many cases. In respect of criminal appeals, whose number is heavy and institutions are increasing, it appears to be desirable to reduce the number of first class Magistrates in the Division. Except Bench Courts, all other Magistrates appear to be 1st class Magistrates and appeals from their decisions, even in third class cases and petty cases under special and local laws lie to the Sessions Judge, while the District Magistrates and first class Magistrates empowered to hear appeals are practically free of appellate work. Considering the volume of work, the Judges presiding over this Court, during the period of inspection, have done well, particularly on the criminal side. In other directions also their work is satisfactory.

Sd. C. Abdul Ghani,
Judge, 28/8/37.

***

"Copy"

J. Ramiengar
Registrar
MRM

G. R. S. App. F. G. 3.

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

No. P 1909 · 8/ 10 37

C.S. 159-V-1

To

The Registrar

High Court

Sir,

With reference to Your letter No. Rec 293 /37-38 Dt 9.9.37 forwarding extracts from the notes of inspection Dt 26.6.37 of the Court of the Dist and Sessions Judge Bangalore made by Mr Justice C Abdul Cyani I am directed to State that it is seen from the General Remarks in the notes of inspection that it is desirable to reduce the number of First Class Magistrates in the Bangalore Division.

I am to request that

WD 0186—GPR—15,000—6-9-34

A report may kindly be furnished to Govt in Consultation with the Dist Magistrates Concerned as to the possibility of reducing the number of First Class Magistrate's Courts in the Division and Converting some of them into Second Class Courts

The favour of an early report is Requested

I have etc

28.10.19

for Chief Secretary to Govt

(12)

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat.

Dated, Bangalore, 1st October 1937.

No. P1909
Ct 159-37-1

From

The *Chief Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Registrar,
High Court of Mysore,
Bangalore.

Sir,

With reference to your letter No.Roc.293/37-38 dated 9th September 1937 forwarding extracts from the notes of inspection dated 26th June 1937 of the Court of the District and Sessions Judge, Bangalore, made by Mr.Justice C.Abdul Ghani, I am directed to state that it is seen from the general remarks in the notes of inspection that it is desirable to reduce the number of First Class Magistrates in the Bangalore Division.

I am to request that a report may kindly be furnished to Government in consultation with the District Magistrates concerned as to the possibility of reducing the number of First Class Magistrates Courts in the Division and converting some of them into Second Class Courts.

The favour of an early report is requested.

I have the honor to be,
Sir,
Your most obedient servant,

1/10

Chief Secretary to Government.

S.R.2

NOP 5101-3 Cts 159-37-3. (14

Notification dt 11-3-38

G. R. S. App. F. G. 3.

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

In modification of the existing arrangements, Govt direct that the Court of the Second Magistrate, Bangalore, be converted from a First Class Magistrate's Court to a Second Class Magistrate's Court with effect from the 2nd April 1938.

From the above date, the Second Magistrate, Bangalore, shall, by Virtue of his Office, Exercise all the ordinary powers of a Magistrate of the Second Class under the Code of Criminal Procedure, 1904, and all the additional powers Specified in the Fourth Schedule to the Code, as powers with which a Magistrate of that

WD 0522—GPB—7,500—16.2-37

(15

Class may be invested by
Govt under Section 37,
except the power to pass
Sentences of whipping under Sec 32
of the Code. He is empowered to
to Commit for trial under Sec 206
of the Code.

Under Section 357 of the said
Code, Govt are pleased to empower
the said Magistrate, by Virtue of
his Office, to take down the
evidence of Witnesses in proceedings
before him in his own hand
in the English language.

He will Exercise his magesterial
powers Within the local Area and
in respect of the Classes of Cases
as heretofore

By Order
7.3.35

Chief Secretary to Govt

To The Compiler Mysore Gazette for publication
Copy to (1) Registrar High Court
(2) The Govt Bangalore

Government of His Highness the Maharaja of Mysore,

No.P. 5100 General and Revenue Secretariat,

~~Cts.3-37-~~ 15-159-37-3 Dated, Bangalore, 8th March 1933.

Notification.

In modification of the existing arrangements, Government direct that the Court of the Second Magistrate, Bangalore be converted from a First Class Magistrate's Court to a Second Class Magistrate's Court, with effect from the End April 1933.

From the above date, the Second Magistrate, Bangalore, shall, by virtue of his office, exercise all the ordinary powers of a Magistrate of the Second Class under the Code of Criminal Procedure, 1904, and all the additional powers specified in the Fourth Schedule to the Code, as powers with which a Magistrate of that class may be invested by Government under Section 37, except the power to pass sentences of whipping under Section 32 of the Code.

Under Section 357 of the said Code, Government are pleased to empower the said Magistrate, by virtue of his office, to take down the evidence of witnesses in proceedings before him in his own hand in the English language.

He will exercise his magisterial powers within the local area and in respect of the classes of cases as heretofore.

By Order,
Sd. B.T.Kesavaiengar.

Chief Secretary to Government.

To
The Compiler, Mysore Gazette, for publication.
Memo.No.P. 5101-3

vvk.12.

Copy of the above is forwarded with compliments to the District Magistrate, Bangalore.

By Order,

For Chief Secretary to Government.